

BOARD MEETING MINUTES

**JUNE 7 & 8, 2001
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
BOARD OFFICE
2535 CAPITOL OAKS DR #300
SACRAMENTO, CALIFORNIA
(916) 263-2230**

Thursday, June 7, 2001

BOARD MEMBERS PRESENT: Kathryn Hoffman (President), Vince DiTomaso (Vice-President), James Foley, Andrew Hopwood, Gregg Brandow, Stephen Lazarian and Millicent Safran.

BOARD MEMBERS ABSENT: David Chen

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Cindy Morris-Hoppe (Executive Analyst), Janeece Sargis (Examination Analyst), Debbie Thompson (Budget Analyst), Mariann Fagunes (Enforcement Analyst), Eileen Crawford (Licensing Program Manager), and Joanne Arnold (Enforcement/Legislation Program Manager)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President Hoffman at 9:35 a.m. Roll call was taken and a quorum was established.

President Hoffman stated that agenda items would be taken out of order because on Friday, June 8, 2001 the Board will not have a quorum to vote on Action Items.

2. Public Comment

There was no public comment.

3. Closed Session

The Board went into closed session at 9:40 a.m.

4. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board adopted the stipulations regarding Mr. Aififi, Mr. Lubin, and Mr. Holbert.

Ms. Christenson also reported that the Board discussed pending litigation as noticed.

Ms. Christenson reported that the Board approved the October 2000 Geotechnical appeal results.

5. a Approval of the Minutes of the April 27, 2001 Board Meeting.

MOTION: Mr. Hopwood/Dr. Brandow moved to approve the minutes of the April 27, 2001 Board Meeting.

VOTE: 7-0, motion carried

5. b Approval of Consent Items

MOTION: Mr. Hopwood/Dr. Brandow moved to approve for licensure those applicants who passed the October 2000 Professional Geotechnical Engineering Examination on appeal.

VOTE: 7-0, motion carried

6. Approval of Delinquent Reinstatements

MOTION: Mr. Foley/Mr. Hopwood moved to approve the Delinquent Reinstatements as follows:

Civil

1. Duane Flaten

Reinstate applicant's civil license once he takes and passes the Seismic Principles Examination, the

Engineering Surveying Examination, the Board's Laws and Rules Examination, and pays all required delinquent renewal fees.

VOTE: 7-0, motion carried

7. Comity and Temporary Authorization Applications

President Hoffman announced that the Temporary Authorization application would be considered on Friday.

MOTION: Mr. Foley/Mr. Lazarian moved to approve the comity applicants shown on the handout distributed at the meeting (copy attached).

VOTE: 7-0, motion carried.

MOTION: Mr. Foley/Mr. Lazarian moved to approve the following Chemical applicant for licensure by waiving the second division examination (NCEES Chemical Engineering examination) because the applicant has the appropriate experience, has taken and passed both an 8-hour NCEES EIT examination, and an 8-hour NCEES PE examination, has taken and passed the take-home examination, and is licensed in an other state.

1. Arman Toumari

VOTE: 7-0, motion carried

MOTION: Mr. Foley/Mr. Lazarian moved to approve the following Civil applicant to set for the Seismic Principles and Engineering Surveying Examinations and waive the second division examination (NCEES Civil Engineering examination) because the applicant has the appropriate experience, has taken and passed an 8-hour NCEES Structural 1 examination, and is registered in another state. In order to obtain registration, the applicant must still take and pass the seismic principles, engineering surveying, and the take-home examination.

1. Shaohua Qie

VOTE: 7-0, motion carried

MOTION: Mr. Foley/Mr. Lazarian moved to approve the following Electrical applicants for licensure by waiving the second division examination (NCEES Electrical Engineering examination) because the applicants have the appropriate experience, have taken and passed an 8-hour NCEES EIT examination, an 8-hour NCEES PE examination, the take-home examination, and are licensed in other states.

1. **Steven J Gallant**
2. **Roger A Johnson**
3. **Gus K Lott**
4. **Philip J Sawyer**

VOTE: 7-0, motion carried

MOTION: Mr. Foley/Mr. Lazarian moved to approve the following Industrial applicant for licensure by waiving the second division examination (NCEES Industrial Engineering examination) because the applicant has the appropriate experience, has met the Boards statutes for waiving the EIT, has passed an 8-hour NCEES PE examination, the take-home examination, and is licensed in another state.

1. **Jose F Rafols**

VOTE: 7-0, motion carried

MOTION: Mr. Foley/Mr. Hopwood moved to approve the following Mechanical applicants for licensure by waiving the second division examination (NCEES Mechanical Engineering examination) because the applicants have the appropriate experience, have taken and passed both an 8-hour NCEES EIT examination, and an 8-hour NCEES PE examination, are licensed in other states, and have taken and passed the take-home examination.

1. **Michael D Masi**
2. **Joseph W Reister**
3. **Norman D Schafer**
4. **Thomas J Wiener**

VOTE: 7-0, motion carried

8. Temporary Licensure Process (Possible Action)

Dr. Brandow stated that the Board has concerns regarding the current process for temporary licensure and that the 180 consecutive days as allowed by law is not long enough to complete most projects.

President Hoffman expressed concern about applicants not following through with taking the Professional Engineering examination and not becoming permanently licensed in California. Mr. Duke and Mr. Lazarian pointed out that there is no requirement for an applicant for temporary licensure to apply for a permanent license. Dr. Brandow pointed out that the temporary authorization is restricted to one specific project.

Ms. Safran and Vice-President DiTomaso expressed their concerns regarding the number of applicants requesting Temporary Licensure.

Ms. Christenson suggested that the applicant turn in previous projects and have a sub-committee of the Board review it.

Ms. Christenson also suggested that the Board might want to consider increasing the fee for temporary licensure since the current fee is only \$42.50.

Cruz Naranjo, DCA Legislative Review Unit, advised the Board that the Contractor's Board repealed its temporary authorization laws just last year. He suggested that we contact that Board for more information about why that action was taken.

President Hoffman requested that staff find out how many previous Temporary Licensure applicants took exam and how many passed and how many failed and report that at the next meeting.

9. Committee Reports

a. Examination/Qualifications

1. Report on the meeting

No report given.

2. Implementation of Sliding Payment Scale for Subject Matter Experts Who Participate in Examination Development Conferences (Possible Action)

After some discussion, it was decided that this item would be tabled pending action on the BCP and the Board's fee restructuring bill.

3. Take-Home Examination on the Web Site (Possible Action)

Eileen Crawford presented information regarding placing the Take-Home (California Laws and Board Rules) examination on the Board's website.

Ms. Crawford clarified that the examination would still be available in paper form also.

Staff is looking into software that will let candidate take and grade exams on line.

MOTION: Dr. Brandow/Mr. Hopwood moved to provide the take-home examination for the Professional Engineers and Land Surveyors on the Board's web site so that candidates can download the exam when needed and to research the costs of purchasing software that would allow the exams to be taken and scored on-line.

VOTE: 7-0, motion carried

b. Administrative

1. Report on the meeting

No report given.

2. Fund Condition (Possible Action)

Ms. Thompson reported on this item.

Ms. Thompson also reported that we have received about 60 retired applications.

Ms. Thompson reported that we are on track with projected revenue.

3. FY 2000/01 Budget

Ms. Thompson reported on this item.

Ms. Thompson reported that proctor salary was raised. DCA just sent us report of expenditures and it was much higher than expected.

Ms. Thompson reported that the budget is a very conservative projection.

4. FY 2002/03 Budget Change Proposals

Ms. Thompson reported on this item.

Ms. Thompson reported that we have one more week to submit the BCP's to DCA and that DCA will review and make suggestions for changes.

Ms. Thompson also reported that we have another month before they go to agency.

President Hoffman appointed a sub-committee of Vice-President DiTomaso and herself to review the BCP's.

c. Enforcement

1. Report on meeting

No report given.

2. Closed Case Review Report

Dr. Brandow reported that he and Ms. Safran reviewed 10 closed complaint cases. The cases consisted of both licensed and unlicensed, some with findings of violations and some with no violations, and were from various years. They looked through the process by which the cases were handled regarding the timeframe and believe they were handled properly and within a reasonable timeframe. He said it was enlightening to see how long it does take for people to respond and provide information to us.

Ms. Safran reported that everything was logged as it should be and tracked. She also reported that the survey form which is sent out to the complainants is, unfortunately, not returned very often so there is no way to know how the complainant feels when the case is closed.

3. Technical Expert Recruitment and Compensation (Possible Action)

After much discussion, the Board directed staff to gather more statistical data such as how many people have submitted resumes since the recruitment article appeared in the last Bulletin and how long (in days) the experts take to review the case and/or ask for additional information. This item will be discussed at the next Enforcement Committee meeting.

4. Development and Adoption of Regulations Regarding a Code of Professional Conduct (Possible Action)

Mr. Lazarian reported that he had discussed the initial draft language with Margie Freeman, the Enforcement Analyst overseeing this project. He said he would be providing her with additional written comments also. He said that the initial draft language was an excellent starting point for discussion. He suggested that some of the language would need to be modified to address the engineer's role when they have been hired by an architect or contractor and not directly by the consumer.

President Hoffman asked all Board Members to review the written comments that Jim Corn, on behalf of CELSOC, provided at the Enforcement Committee meeting so that the Board could discuss them on Friday.

Ms. Eissler explained that Ms. Freeman will be sending the initial draft language to everyone who attended the meeting. Any comments received and a second draft of the Language will be presented at the July Enforcement Committee meeting.

d. Legislative

1. Report on meeting

No report given

2. Pending Legislation for 2001 Session

Mr. Brown reported on this item. No action is needed on any bills at this time.

Mr. Lazarian asked about SB355; Mr. Naranjo advised that it is a 2-year bill and all focus is on AB267.

4. Public Comment

Following the lunch break, President Hoffman allowed for additional public comment.

Terry Moore addressed the Board regarding his dissatisfaction with the complaint investigation process and the lack of information he could obtain.

Ms. Christenson offered to provide him with a detailed chronology of his case.

14. Technical Advisory Committee Reports (Possible Action)

a. Land Surveying

1. Report on the May 10, 2001 LS TAC Meeting

This item has been deferred to the July 2001 Board Meeting.

b. Civil/Geotechnical Engineering

1. Report on the May 10, 2001 CE & GE TAC Meetings

Mr. Foley reported that they discussed the utility trench issue. Mr. Foley also reported that a representative from Southern CA Edison and PG&E were there. In discussion, it was decided to table this item for awhile due to the current power crisis.

c. Mechanical Engineering

1. Report on the May 31, 2001 ME TAC Meeting

The TAC Members presented a plaque to Mr. Vu for his service to the community.

Vice-President DiTomaso reported that the power crisis was discussed.

Vice-President DiTomaso also reported that there is an acute shortage of power engineers.

Vice-President DiTomaso reported that CalTrans helps their employees with exam costs, and that some companies are now requiring the EIT before hiring.

Vice-President DiTomaso reported that both the ME TAC and the EE TAC members have volunteered to help with the college outreach program.

2. Appointment of ME TAC Members

MOTION: Ms. Safran/Mr. Hopwood moved to approve reappointment of Mr. Thomas Crawford, P.E. and Mr. Uday Shaw, P.E. to the Professional Mechanical Technical Advisory Committee (ME TAC) for their second, two-year term.

VOTE: 7-0, motion carried

d. Electrical Engineering

1. Report on the May 31, 2001 EE TAC Meeting

Vice-President DiTomaso reported that the power crisis was discussed.

Vice-President DiTomaso also reported that there is an acute shortage of power engineers.

Vice-President DiTomaso reported that CalTrans helps their employees with exam costs, and that some companies are now requiring the EIT before hiring.

Vice-President DiTomaso reported that both the ME TAC and the EE TAC members have volunteered to help with the college outreach program.

2. Appointment of EE TAC Members

MOTION: Vice-President DiTomaso/ Mr. Hopwood moved to approve appointment of Mr. William Clifford Ishii, P.E. and Mr. David Johnson, P.E. to the Professional Electrical Technical Advisory Committee (EE TAC).

VOTE: 7-0, motion carried

e. Structural Engineering (no meeting)

No report given.

11. Appointment of Emeritus Board Members (Possible Action)

MOTION: Ms. Safran/Vice-President DiTomaso moved to appoint Mr. Ted Fairfield, Ms. Marilyn Lyon, Ms. Myrna Powell, Mr.

George Shambeck, and Mr. Quang Vu for a one-year term as an Emeritus Board Member to NCEES.

VOTE: 7-0, motion carried

12. Election of Board President and Vice-President for 2001/2002 (Possible Action)

MOTION: Mr. Lazarian/Mr. Hopwood moved to elect Vice-President DiTomaso as 2001/2002 President and Ms. Safran as 2001/2002 Vice-President.

VOTE: 6-1, Hopwood nay

3. Closed Session

The Board went back into Closed Session to discuss pending litigation as noticed.

The Board recessed at 3:50 pm.

Friday, June 8, 2001

BOARD MEMBERS PRESENT: Kathryn Hoffman (President), Vince DiTomaso (Vice-President), James Foley, Andrew Hopwood, Gregg Brandow, and Millicent Safran.

BOARD MEMBERS ABSENT: David Chen and Steve Lazarian

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Cindy Morris-Hoppe (Executive Analyst), Janeece Sargis (Examination Analyst), Debbie Thompson (Budget Analyst), and Joanne Arnold (Enforcement/Legislation Program Manager)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President Hoffman at 9:05 a.m. Roll call was taken. There was not a quorum.

President Hoffman reported that since there was not a quorum, no action could be taken.

2. Public Comment

Chuck Greenlaw, SE, reported that he sent an e-mail regarding experts to the BPELS Office and that he wants Board members to have a copy. Mr. Greenlaw stated that he has been an expert for the defense and he thinks the quality of experts is very important.

Jim Corn on behalf of CELSOC, reviewed the written comments he had provided at the Enforcement Committee meeting re: the Code of Conduct.

The Board presented the first Retired Professional Engineer license to Mr. John F. Osborn.

9. NCEES Engineer of Record Proposal (Possible Action)

This item was assigned to the Enforcement Committee.

10. Title Act Study (Possible Action)

Pam Rivette reported on the status of the study. She advised that everything is currently on schedule.

7. Temporary Authorization Applications

President Hoffman reviewed Business & Professions Code Section 6760 regarding Temporary Licensure. She advised that since there was not a quorum of the Board present, no action could be taken at this meeting. She advised that a teleconference meeting would be scheduled to take action on Gene Amrhein's application.

The Board questioned Mr. Amrhein regarding the specific project and his experience. The Board asked Mr. Amrhein to submit examples of his work on similar projects for the Board to review prior to the teleconference meeting.

15. Liaison Reports

a. ABET

- b. NCEES**
- c. Technical and Professional Societies**

These reports were combined with the Executive Officer's Report.

16. President's Report

President Hoffman reported on the NCEES Western Zone meeting. She reported that there was a discussion of requiring 10 ABET-accredited programs and request from 10 member boards on order to recognize a new discipline. She reported that NCEES may propose a change to the appeal process. She reported that many other states and NCEES are pushing for more mobility, which is very difficult in California because of our state-specific exams.

President Hoffman thanked the Board members and staff for all of their assistance during her year as president.

17. Executive Officer's Report

- 1. Administration Report**
 - a. Executive Summary Report**

Ms. Christenson reported on the Executive Summary Report.

18. Approval of Board Travel (Possible Action)

Vice-President DiTomaso, Ms. Safran, Dr. Brandow, and Ms. Christenson will be attending the NCEES Annual Meeting in Little Rock, Arkansas, in August.

19. Other Items Not Requiring Board Action

- a. Next Board Meeting: July 26 & 27, 2001, Westin Hotel, Los Angeles.**

Vice-President DiTomaso advised that changes will probably need to be made to how the Committee and Board meetings are organized and scheduled to ensure that we have a quorum. Vice-President DiTomaso and Ms. Safran will meet with Ms. Christenson to see if it is possible to schedule everything on one day. The committees will meet only if it is necessary.

Vice-President DiTomaso stated that with only a one day meeting, it may tend to run long and that he prefers to have the meeting on

Thursday rather than Friday. If two days are needed, the second day would probably be no action items, just discussion.

New EE TAC Member David Johnson was introduced.

20. Adjourn

The Board adjourned at 11:30 a.m.

PUBLIC PRESENT

Tom Stout
Eugene Weatherby, CELSOC
Steve Hao, CalTrans
Chuck Greenlaw, S.E.
Myla Forbes, Board Relations, DCA
Cody Tubbs, CELSOC
Marti Kramer, CSPE
Carl C de Baca, CLSA
F. Gene Amrhein, Bibbs & Assoc.
Jim Corn, CELSOC
Pam Rivette, DCA
Loren Reed, DCA

